

SENATE BILL 3218  
By Cohen

AN ACT to enact the "Amusement Rides Safety Inspection Act" and  
to amend Tennessee Code Annotated, Title 56, Chapter  
38

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 38, is amended by adding  
Sections 4 through 14 of this act as a new part.

SECTION 2. Tennessee Code Annotated, Section 56-38-102, is amended by adding  
the following new, appropriately designated subdivisions:

( ) "Amusement owner" means a person, the state of Tennessee, or a political  
subdivision of the state that owns an amusement ride or, if the amusement ride is  
leased, the lessee.

( ) "Amusement park" means an area that is used principally for one (1) or more  
permanently-erected amusement rides.

( ) "Carnival" means an itinerant enterprise that consists principally of one (1) or  
more temporarily located amusement rides.

( ) "Fair" means an enterprise that is devoted principally to periodic exhibitions  
related to agriculture, the arts, education, industry, religion, or science; and has one (1)  
or more amusement rides operated along with the exhibitions.

( ) "Commissioner" means the commissioner of the department of commerce and insurance.

SECTION 3. Tennessee Code Annotated, Section 56-38-103(a), is amended by adding the following words to the end of the second sentence:

and until such authority is furnished evidence of a certificate of inspection of the amusement ride issued by the commissioner.

SECTION 4. This act shall be known and may be cited as the "Amusement Rides Safety Inspection Act".

SECTION 5. (a) An amusement ride shall not operate unless the amusement owner has purchased insurance for the amusement ride in accordance with this chapter.

(b) Except for testing and inspection, an amusement ride shall not be operated unless the commissioner has issued a certificate of inspection for the amusement ride.

SECTION 6. (a) The commissioner shall inspect:

(1) each amusement ride at an amusement park annually;

(2) each amusement ride, if moved, before it begins operation at another location; and

(3) each new or modified amusement ride before it begins public operation.

(b) An amusement owner shall notify the commissioner before operating an amusement ride that is new, modified, or reconstructed.

An owner or lessee of a carnival or fair shall notify the commissioner in writing at least thirty (30) days before opening the carnival or fair at each location and give the commissioner immediate notice of a change in the schedule of locations or dates if the schedule changes after notification.

(c) The commissioner shall issue to an amusement owner a certificate of inspection for each amusement ride at a carnival, fair, or amusement park if:

(1) after inspection the commissioner finds that the amusement ride complies with this chapter and the regulations adopted under it; and

(2) the amusement owner submits to the commissioner a certificate of insurance for the amusement ride as required by this chapter.

(d) A certificate of inspection for an amusement ride at an amusement park expires not more than one (1) year after the date of issuance.

A certificate of inspection for an amusement ride at a fair or carnival expires not more than thirty (30) days after the date of issuance.

(e) The certificate of inspection shall be posted in plain view on the amusement ride.

(f) Upon receiving information or notification of an accident or complaint that involves an amusement ride, the commissioner shall investigate the accident or complaint and inspect the amusement ride.

SECTION 7 . (a) An amusement owner shall obtain insurance against liability for injury to an individual that arises out of the use of an amusement ride. The insurance shall be in an amount not less than required by Section 56-38-103.

(b) An amusement owner shall obtain insurance from an insurer or surety that is acceptable to the commissioner of commerce and insurance.

SECTION 8 . (a) Each amusement owner who operates an amusement ride shall keep accurate records of, and submit periodic reports to the commissioner on, injuries to the public that occur during use of amusement attractions other than injuries which are minor, requiring only first-aid treatment, and do not involve medical treatment or loss of consciousness.

(b) Whenever a death or serious physical injury results from the operation of an amusement ride, the person who directly controls the operation of the amusement ride

immediately shall close the amusement ride until it has been inspected by the commissioner.

The amusement owner shall report the incident orally or in writing to the commissioner within twenty-four (24) hours.

SECTION 9 . (a) The commissioner may prohibit use of an amusement ride if, after an inspection or investigation, the commissioner finds that:

(1) the amusement attraction violates a regulation adopted under this act; and

(2) there is a substantial probability of death or serious physical injury from continued use of the amusement ride.

(b) To prohibit use of an amusement ride, the commissioner shall give an amusement owner written notice that prohibits use of the amusement ride and shall require such owner to post a copy of the notice on the amusement ride.

(c) The amusement ride shall not be operated until it is made safe for public use and each required safeguard is provided.

SECTION 10 (a) It is an offense for a person to knowingly make a false representation or false statement in an application, record, report, or other document that is required under this act.

(b) A violation of this section is a Class A misdemeanor.

SECTION 11. (a) It is an offense for an amusement owner to knowingly violate this act or a regulation adopted under this act if an individual dies as a result of such violation.

(b) A violation of this section is a Class A misdemeanor.

SECTION 12 . (a) The commissioner shall administer and enforce this act. The commissioner shall adopt safety regulations for the maintenance and operation of amusement rides.

(b) The commissioner may make an agreement with a municipality or other political subdivision of the state or unit of state government to delegate the power of inspection. If a political subdivision satisfies the commissioner that the political subdivision can make the inspections required under this chapter, the commissioner shall make an agreement with the political subdivision to delegate the power of inspection. The commissioner may retain the right to monitor an inspection by a municipality or political subdivision of the state or unit of state government. The commissioner may revoke any such inspection agreement.

SECTION 13. The commissioner may, from time to time in his discretion, appoint an Amusement Ride Safety Advisory Board. Such board shall be temporary and may be composed of not more than eleven (11) members who have knowledge of and experience in the operation of amusement rides. Upon completion of the purpose or assignment for which it was appointed by the commissioner, such board shall cease to exist.

The board may advise and consult with the commissioner on reasonable regulations to prevent conditions that are detrimental to the public in their use of amusement rides. The board may recommend to the commissioner any regulation that it finds necessary for the protection and safety of the public.

Each member of the board is entitled to reimbursement for travel expenses for official board business in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

SECTION 14. All regulations adopted by the commissioner shall be adopted in accordance with the Uniform Administrative Procedures Act, codified in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. For the purpose of promulgating rules, appointing the advisory board and other administrative functions necessary to effectuate the purposes of this act, this act shall take effect on July 1, 1996, the public welfare requiring it. For the purpose of inspecting amusement rides, this act shall take effect on January 1, 1997.